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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
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10 ROBERT G. HOGARTH,

11 Petitioner,

12 v.

13 THOMAS P. GILES, ET AL.,

14 Respondent.
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Case No. 5:22-cv-01809-DSF (MAR)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE


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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for a Writ of
18 Habeas Corpus, the records on file, and the Report and Recommendation of the
19 United States Magistrate Judge. The Court has engaged in de novo review of those
20 portions of the Report to which Respondents have objected.

21 The Court overrules Respondents' objections, except as to their objection to
22 part III.C of the Report and Recommendation. The Court declines to dictate any
23 burden for a bond hearing at this stage. Should a bond hearing contemplated by this
24 order occur, the parties may freely advocate for their positions on the respective
25 burdens as required by law before the Immigration Judge ("IJ"), who may decide the
26 issue in the first instance. In all other regards, the Court accepts the findings and
27 recommendation of the Magistrate Judge.
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1 **IT IS THEREFORE ORDERED** that judgment be entered **GRANTING**
2 the Petition and **ORDERING** that, within sixty (60) days of the date of this order,
3 Respondents shall provide Petitioner with an individualized bond hearing before an IJ
4 with the required procedural protections, or release Petitioner if they fail to hold the
5 bond hearing.

6 **IT IS SO ORDERED.**

7 **DATED:** February 23, 2023

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10 Honorable Dale S. Fischer
11 UNITED STATES DISTRICT JUDGE
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